

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :)
David BURDICK, et al.)
Serial No.: 09/448,356) Examiner: not yet assigned
Filed: November 23, 1999) Art Unit: 1614
For: PHYTOSTEROL AND/OR)
PHYTOSTANOL DERIVATIVES)

New York, New York
January 28, 2000

INFORMATION DISCLOSURE STATEMENT UNDER RULE 1.56

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Applicants wish to make of record the following documents (clean copies and Form PTO-1449 are enclosed). Neither this Information Disclosure Statement nor its filing constitutes an admission that any of the documents is prior art or a representation that a search has been made.

U.S. PATENT DOCUMENTS

A1 4,588,717
A2 5,502,045

FOREIGN PATENT DOCUMENTS

B1 WO 96/38047
B2 WO 97/42830
B3 WO 98/06405
B4 WO 99/25361

B5 EP 0 792 586 A2
B6 DE 197 50 422 C1

OTHER DOCUMENTS

- C1 Weststrate, et al., "Plant sterol-enriched margarines and reduction of plasma total-and LDL-cholesterol concentrations in normocholesterolaemic and mildly hypercholesterolaemic subjects," European Journal of Clinical Nutrition, Vol. 52, pp. 334-343 (1998)
- C2 Kuksis, et al., "Fatty acid composition of individual plasma steryl esters in phytosterolemia and xanthomatosis," Lipids, Vol. 21, No. 6, pp. 371-377 (1986)
- C3 Vanhanen, et al. "Serum cholesterol, cholesterol precursors, and plant sterols in hypercholesterolemic subjects with different apoE phenotypes during dietary sitostanol ester treatment," Journal of Lipid Research, Vol. 34, pp. 1535-1544 (1993)
- C4 Yanagita, et al., "Cholesterol-lowering effect of Agemaki, a kind of shellfish, in mice," J. Nutr. Sci. Vitaminol., Vol. 37, pp. 313-318 (1991)
- C5 Harris, "n-3 fatty acids and lipoproteins: comparison of results from human and animal studies," Lipids, Vol. 31, No. 3, pp. 243-252 (1996)
- C6 Ling, et al., "Dietary phytosterols: a review of metabolism, benefits and side effects," Life Sciences, Vol. 57, No. 3, pp. 195-206 (1995)
- C7 Derwent English language abstract of DE 197 50 422 C1 (document B5)

Applicants request that these documents be considered by the Examiner before issuance of the next action and made of record in this file. The Examiner is also asked to initial and return a copy of the enclosed PTO-1449 form to evidence such consideration.

Document B4 is not in English. However, an English abstract is provided on the first page of the patent.

Document B5 also is not in English. Therefore, a Derwent English language abstract is being provided as document C7.

This Information Disclosure Statement is being filed in accordance with the following provisions:

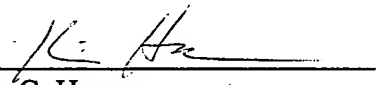
☒ 37 CFR § 1.97(b)(1) Within three months of the filing date of the national application. No fee is required.

If our check is missing or otherwise insufficient, or if a check has not been submitted but it is determined that a fee is required as set forth in 37 CFR § 1.17(p) or 1.17(i)(1), or if any additional fees are required, please charge such fee (or credit any overpayment) to Deposit Account No. 02-4467. A duplicate copy of this document is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on January 28, 2000.


Kevin C. Hooper, Reg. No. 40,402,

Respectfully submitted,

By: 
Kevin C. Hooper
Registration No. 40,402
BRYAN CAVE LLP
245 Park Avenue
New York, NY 10167-0034
(212) 692-1800